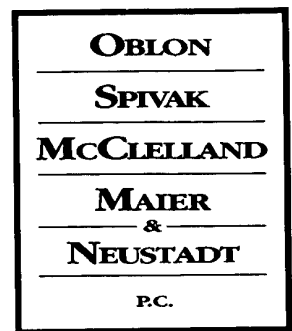




41
Docket No.: 212933US2



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 09/931,092 ✓

Applicants: Eiji TANI

Filing Date: August 17, 2001

For: SILICON CARBIDE-BASED, POROUS,
LIGHTWEIGHT, HEAT-RESISTANT STRUCTURAL
MATERIAL AND MANUFACTURING METHOD
THEREFOR

Group Art Unit: 1762

Examiner: CLEVELAND, M. B.

RECEIVED
AUG 12 2003
GROUP 1700

SIR:

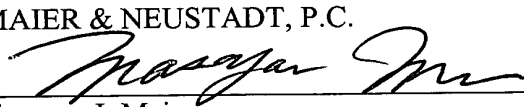
Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Gregory J. Maier

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Docket No: 212933US2X



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

Eiji TANI

: EXAMINER: CLEVELAND, M.

SERIAL NO: 09/931,092 :

FILED: AUGUST 17, 2001

: GROUP ART UNIT: 1762

FOR: SILICON CARBIDE-BASED, POROUS, LIGHTWEIGHT, HEAT-RESISTANT
STRUCTURAL MATERIAL AND MANUFACTURING METHOD THEREFOR

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GROUP 1700

RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

SIR:

In response to the Restriction Requirement stated in the outstanding Official Action dated July 10, 2003, Applicant provisionally elects Group I, Claim 1, drawn to a carbon/silicon carbide composite, classified in class 428, subclass 446.

Applicant respectfully traverses the outstanding Restriction Requirement. The Restriction Requirement asserts that the application contains claims to patentably distinct inventions. However, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct of independent inventions.

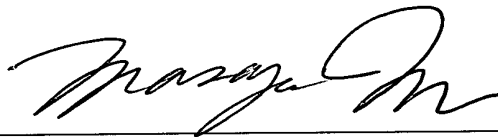
In the present application, Claim 1 is directed to a silicon carbide-based, porous, lightweight, heat-resistant structural material, while Claim 2 is directed to a method for manufacturing a silicon carbide-based, porous, lightweight, heat-resistant structural material. Hence, it appears that the claims in the present application are part of an overlapping search

area and that a search for Claim 1 would necessarily include the subclass required for a search directed to Claims 2-5 as well. It is therefore believed that there is no under burden on the Examiner to search all the claims under MPEP § 803, and Applicant respectfully traverses the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-5 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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